

111TH CONGRESS  
1ST SESSION

# S. 1471

To direct the Secretary of the Army to carry out certain water control projects at Lake Pontchartrain, Louisiana, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 20, 2009

Mr. VITTER (for himself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To direct the Secretary of the Army to carry out certain water control projects at Lake Pontchartrain, Louisiana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Providing the Utmost  
5 safety Measures to the Permanent Protection System in  
6 New Orleans, Louisiana” or the “PUMPPS NOLA Act  
7 of 2009”.

### 8 **SEC. 2. FINDINGS.**

9 Congress finds that—

1           (1) section 4303 of the U.S. Troop Readiness,  
2       Veterans' Care, Katrina Recovery, and Iraq Ac-  
3       countability Appropriations Act, 2007 (Public Law  
4       110–28; 121 Stat. 154) requires the Secretary to  
5       provide to Congress an analysis of each advantage  
6       and disadvantage, and the technical operational ef-  
7       fectiveness of—

8           (A) the operation of the new pumping sta-  
9       tions located at the mouths of the 17th Street,  
10      Orleans Avenue, and London Avenue canals in  
11      the New Orleans area concurrently, or in a se-  
12      ries with, pumping stations that—

13           (i) are in existence as of the date of  
14      enactment of that Act (Public Law 110–  
15      28; 121 Stat. 112); and

16           (ii) serve the canals;

17           (B) the removal of the pumping stations  
18      described in subparagraph (A) and the configu-  
19      ration of the new pumping stations described in  
20      that subparagraph (including associated canals)  
21      to accommodate each—

22           (i) necessary discharge to the lake-  
23      front; and

24           (ii) discharge described in clause (i) in  
25      combination with each discharge directly to

1 the portion of the Mississippi River located  
2 in Jefferson Parish; and

3 (C) the replacement or improvement of the  
4 floodwalls and levees adjacent to each canal de-  
5 scribed in subparagraph (A);

6 (2) prior to the required analysis described in  
7 paragraph (1), engineering concept studies were per-  
8 formed by the Secretary to determine the most tech-  
9 nically effective means of accomplishing the dual  
10 purpose of—

11 (A) protecting against storm surges; and

12 (B) simultaneously evacuating storm  
13 water;

14 (3) a collaborative process was established and  
15 many technical review meetings were held to ex-  
16 change ideas;

17 (4) to develop and evaluate each technical ad-  
18 vantage and disadvantage, and the operational effec-  
19 tiveness, of each option through the use of each re-  
20 sult and recommendation contained in each report  
21 (including each draft report) completed after Hurri-  
22 cane Katrina, the Secretary expanded and formal-  
23 ized the collaborative process described in paragraph  
24 (3) with external stakeholders that included—

1 (A) the Sewerage and Water Board of New  
2 Orleans;

3 (B) Jefferson Parish;

4 (C) the New Orleans Business Council;

5 (D) the Louisiana Department of Trans-  
6 portation and Development;

7 (E) the Southeast Louisiana Flood Protec-  
8 tion Authority-East;

9 (F) the Regional Planning Commission,  
10 New Orleans; and

11 (G) independent groups;

12 (5) the reports described in paragraph (4) pro-  
13 vide much of the background technical data required  
14 to carry out in an expedited manner the analysis de-  
15 scribed in paragraph (1); and

16 (6) based on the information compiled for the  
17 analysis described in paragraph (1), the Secretary  
18 concluded that the option identified as “Option 2”,  
19 as described in the report, is “generally more tech-  
20 nically advantageous and more effective operation-  
21 ally over Option 1 because it would have greater reli-  
22 ability and further reduces risk of flooding”.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

(1) PROJECT.—The term “project” means the project for permanent pumps and canal modifications that is—

(A) authorized by the matter under the heading “GENERAL PROJECTS” in section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading “FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)” under the heading “CORPS OF ENGINEERS—CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE—CIVIL” of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1279); and

(iii) the matter under the heading “FLOOD CONTROL AND COASTAL EMER-

1           GENCIES” under the heading “CORPS OF  
2           ENGINEERS—CIVIL” under the heading  
3           “DEPARTMENT OF THE ARMY”  
4           under the heading “DEPARTMENT OF  
5           DEFENSE—CIVIL” of chapter 3 of title  
6           III of the Supplemental Appropriations  
7           Act, 2008 (Public Law 110–252; 122 Stat.  
8           2349).

9           (2) REPORT.—The term “report” means the re-  
10          port—

11               (A) entitled “Report to Congress for Pub-  
12               lic Law 110–252, 17th Street, Orleans Avenue  
13               and London Avenue Canals Permanent Protec-  
14               tion System, Hurricane Protection System, New  
15               Orleans, Louisiana”;

16               (B) prepared by the Secretary;

17               (C) dated September 26, 2008; and

18               (D) revised in December 2008.

19           (3) SECRETARY.—The term “Secretary” means  
20          the Secretary of the Army, acting through the Chief  
21          of Engineers.

22           (4) STATE.—The term “State” means the State  
23          of Louisiana.

1 **SEC. 4. PROJECT MODIFICATION.**

2 The project is further modified to direct the Sec-  
3 retary—

4 (1) to construct a pump station and optimized  
5 diversion from the 2,500-acre area known as  
6 “Hoey’s Basin” to the Mississippi River to help re-  
7 duce storm water flow into the 17th Street canal;

8 (2) to construct an optimized diversion through  
9 the Florida Avenue canal for discharging water into  
10 the Inner Harbor Navigation Canal;

11 (3) to construct new, permanent pump stations  
12 at or near the lakefront on the 17th Street, Orleans  
13 Avenue, and London Avenue canals to provide for  
14 future flow capacity;

15 (4) to deepen, widen within each right-of-way in  
16 existence as of the date of enactment of this Act,  
17 and line the bottom and side slopes of the 17th  
18 Street, Orleans Avenue, and London Avenue canals  
19 to allow for a gravity flow of storm water to the  
20 pump stations at the lakefront;

21 (5) to modify or replace bridges that are located  
22 in close proximity or adjacent to the 17th Street,  
23 Orleans Avenue, and London Avenue canals;

24 (6) if the Secretary determines to be appro-  
25 priate, to remove the levees and floodwalls in exist-  
26 ence as of the date of enactment of this Act that line

1 each side of the canals described in paragraph (5)  
 2 down to the surrounding ground grade;

3 (7) to decommission or bypass the interior  
 4 pump stations of the Sewerage and Water Board of  
 5 New Orleans that are located at each canal de-  
 6 scribed in paragraph (5) to maintain the water sur-  
 7 face differential across the existing pumping stations  
 8 until all systems and features are in place to allow  
 9 for a fully functional system at a lowered canal  
 10 water surface elevation; and

11 (8) to decommission and remove the interim  
 12 control structures that are located at each canal de-  
 13 scribed in paragraph (5).

14 **SEC. 5. IMPLEMENTATION REQUIREMENTS.**

15 (a) IN GENERAL.—In carrying out section 4, the Sec-  
 16 retary shall provide for any investigation, design, and con-  
 17 struction sequencing in a manner consistent with the op-  
 18 tions identified as “Option 2” and “Option 2a”, as de-  
 19 scribed in the report.

20 (b) FUNDING.—In carrying out section 4, the Sec-  
 21 retary shall use amounts made available to modify the  
 22 17th Street, Orleans Avenue, and London Avenue drain-  
 23 age canals and install pumps and closure structures at or  
 24 near the lakefront in the first proviso in—



1           (1) the matter under the heading “FLOOD CON-  
 2           TROL AND COASTAL EMERGENCIES (INCLUDING RE-  
 3           SCISSION OF FUNDS)” under the heading “CORPS OF  
 4           ENGINEERS—CIVIL” under the heading “DEPART-  
 5           MENT OF THE ARMY” under the heading “DE-  
 6           PARTMENT OF DEFENSE—CIVIL” of chapter  
 7           3 of title II of the Emergency Supplemental Appro-  
 8           priations Act for Defense, the Global War on Terror,  
 9           and Hurricane Recovery, 2006 (Public Law 109–  
 10          234; 120 Stat. 454); and

11          (2) the second undesignated paragraph under  
 12          the heading “FLOOD CONTROL AND COASTAL EMER-  
 13          GENCIES” under the heading “CORPS OF ENGI-  
 14          NEERS—CIVIL” under the heading “DEPART-  
 15          MENT OF THE ARMY” under the heading “DE-  
 16          PARTMENT OF DEFENSE—CIVIL” of chapter  
 17          3 of title III of the Supplemental Appropriations  
 18          Act, 2008 (Public Law 110–252; 122 Stat. 2349).

19          (c) NON-FEDERAL SHARE; LIABILITY OF STATE.—  
 20          As a condition for the Secretary to initiate the conduct  
 21          of the project, the State shall enter into an agreement with  
 22          the Secretary under which the State shall agree—

23               (1) to pay 100 percent of the costs arising from  
 24               the operation, maintenance, repair, replacement, and

1        rehabilitation of each completed component of the  
2        project; and

3            (2) to hold the United States harmless from  
4        any claim or damage that may arise from carrying  
5        out the project except any claim or damage that may  
6        arise from the negligence of the Federal Government  
7        or a contractor of the Federal Government.

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